

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 8441 of 2016

Rajachand Khobragarhe, S/o. Roopchand Khobragarhe, Aged About 26 Years, R/o. Ganesh Ward No. 10, Tahsil - Dongargarh, Police Station - Dongargarh, District – Rajnandgaon, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate, Rajnandgaon, District – Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.166/2016, registered at Police Station – Kotwali, Rajnandgaon, District – Rajnandgaon (C.G.) for the offence punishable under Section 419, 420, 467, 468, 471/34 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 04.10.2016 in M.Cr.C. No.6115/2016,
2. As per the prosecution case, the land which was in the name of Manoj Kumar, Sufal and Dwarika was sold to one Sufiyan Saeed Khan by Venketesh, Teekamram and Krishna by false personification and fake Aadhar Card, Rin Pustika and Voter ID was prepared by the present applicant. Thereby the offence has been committed..
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case only the basis of seizure of CPU

and pendrive. It is further submitted that seizure witness Horilal and Rajju Gupta have been examined before the Court below and they have not supported the case of the prosecution and the seizure itself has not been proved, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application, however, he is not able to dispute the fact that seizure witnesses have not supported the case of the prosecution.
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and further taking into the fact that seizure witnesses in this case have been examined before the Court below and they have not supported the case of the prosecution, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge